

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TONY MILLER,

Plaintiff,

v.

PAUL KLEE, NICKOLAS LESLIE,  
HERB BRIGHTON, STEPHEN YOUNG,  
and BRENT,

Defendants.

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Case Number 17-11006

Honorable David M. Lawson

Magistrate Judge Michael J. Hluchaniuk

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING  
IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on January 27, 2020 by Magistrate Judge Michael J. Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that the Court grant in part the defendants' motion for summary judgment and dismiss the plaintiff's claims against all of the named defendants, except for the First Amendment claim against Paul Klee. Although the magistrate judge's report stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 78) is **ADOPTED**, and the defendants' motion for summary judgment (ECF No. 63) is **GRANTED IN PART**. All of the plaintiff's claims against defendants Nickolas Leslie, Herb Brighton, Stephen

Young, and Brent are **DISMISSED WITH PREJUDICE**. The defendants' motion is **DENIED** in all other respects.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Date: February 19, 2020

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on September 25, 2019.

s/Susan K. Pinkowski  
SUSAN K. PINKOWSKI